

AGENDA
South Carolina Massage/Bodywork Therapy Panel Meeting
December 2, 2016, 10:00 a.m.
110 Centerview Drive
Synergy Business Park
Kingstree Building, Conference Room 108
Columbia, South Carolina 29210

1. Meeting Called to Order

- a. Public notice of this meeting was properly posted at the SC Massage/Bodywork Therapy Panel office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.
- b. Rules of the Meeting Read by the Chairman
- c. Pledge of Allegiance

2. Introduction of Panel Members and All Other Persons Attending

Chairperson Janet Shaw called the meeting of the S.C. Massage/Bodywork Therapy Panel to order.

Other Panel members participating in the meeting included:

- ❖ Denise Van Nostran
- ❖ Anthony Ruggiero
- ❖ Jenny Mitchell
- ❖ Mary Lou Kelley

Staff members present included: Georgia Lewis, Advice Counsel; Shalon Genwright, Staff; Theresa Richardson, Administrator; Megan Flannery, Office of Disciplinary Counsel (ODC); Sharon Wolfe, Office of Investigations and Enforcement (OIE); Darra Coleman, Chief Advice Counsel

All Other Persons Attending:

Tina Behles, Court Reporter (Capital City Reporting); Gabrielle Gaillard; Lane Goodwin; Eva Morris

3. Approval of Excused Absences

Mr. Anthony Ruggiero made a motion to excuse the absence of Ms. Jennifer Griffitt. The motion was seconded by Ms. Mary Lou Kelley and it carried.

4. Approval of the Minutes for the Following Meeting:

August 12, 2016

Ms. Kelley made a motion to approve the meeting minutes from August 12, 2016, and it was seconded by Ms. Denise Van Nostran and Mr. Ruggiero. The motion carried.

5. Approval of Agenda

Ms. Jenny Mitchell made a motion to approve the meeting agenda and it was seconded by Ms. Van Nostran. The motion carried.

6. Chairman's Remarks – Janet Shaw

Ms. Shaw stated that the agenda was pretty self-explanatory. She attended the Federation of State Massage Therapy Boards (FSMTB) conference in Cleveland, Ohio. Licensure and continuing education was reviewed. The information was relevant to what is being discussed today. There is a lot going on to help the industry and they are very encouraged.

7. Administrator's Remarks – Theresa Richardson

- a. Budget – For Information – Ms. Van Nostran asked if a second person could attend the conference on next year with FSMTB, where it could be paid for by the state. Ms. Richardson stated that it was not a problem and that it just needed to be stated on the record.
- b. IRC Report – Sharon Wolfe – For Approval – A motion was made by Ms. Van Nostran to accept the IRC report and it was seconded by Ms. Mitchell. The motion carried.

- c. OIE Report – Sharon Wolfe – For Information Only – There were 21 incoming complaints and 19 investigations have been closed so far this year. Chairperson Shaw asked if the general information of the alleged issues could be placed on the report. Ms. Wolfe stated that it would not be a problem. On the cases that are labeled ‘Do Not Open’, the Complaint Analyst reviews the criteria of everything alleged and determines if it is true. If so, we then determine if we have jurisdiction over the accusation. Refunds are included in ‘Do Not Open’ cases.
- d. ODC Report – Megan Flannery – For Information Only – There are currently two (2) open cases and two (2) cases have been closed this year. The two (2) open cases may go to full, evidentiary hearings.

8. Old Business

9. New Business

a. Panel Overview Training

This training was conducted by Ms. Sharon Wolfe, Ms. Megan Flannery and Ms. Darra Coleman. Handouts were provided to the Panel members.

Ms. Wolfe addressed the process of initial complaints to the Office of Investigations and Enforcement. Ms. Flannery addressed the transition of the complaints from the investigative to prosecutorial phase. Ms. Coleman addressed the Panel members’ authority rights under the Practice Act and the Engine. Ethical considerations were also reviewed.

A motion was made by Ms. Van Nostran for a ten (10) minute comfort break and it was seconded by Ms. Kelley. The motion carried.

Panel member Jenny Mitchell left the meeting at noon.

A motion was made by Mr. Ruggiero to resume the meeting and it was seconded by Ms. Kelley. The motion carried.

b. Consideration of Massage Curriculum Requirements

i. Lane Goodwin (SC CHE)

Ms. Goodwin wanted insight and recommendations on the education hours and guidelines for massage schools. Guidance and feedback was needed on how to break down the 500 hours in the curriculum. A guideline was given to the Panel on what the Commission on Higher Education provides to institutions. Student to teacher ratios were not specified, but Ms. Van Nostran mentioned that it would be nice to have a guideline with that. Neighboring states’ examples were given as breakdowns are seen in their regulations and statutes. It would have to be a regulatory change if South Carolina went that route and it could take years. North Carolina has parameters on the numbers of hours each day without breaks, which is really important. The Department of Education standard is that students are taught for 50 minutes with a 10 minute break. The programmatic accreditation guidelines may be other outlines for standards of measurement, according to Ms. Van Nostran, which may guide future discussions. Distance education is not allowed. We have to be cautious about spelling out hours in regulations. Wording that may be used is that, “*The Board can provide recommendations to allow flexibility*”, being that once regulations are changed, we are bound by it. The key areas of input needed are the breakdown in the number of hours and if it looks like the national standards and what you would expect the student to study in order to be a full time therapist. The current guideline was devised based off of the national certification board examination outline as content knowledge.

An externship would be in addition to the 500 hours. The curriculum breakdown may not need tweaking. Student to teacher ratios and a maximum number of hours of study for students (with a break) will be looked at as well, along with adopting the standard clock hours.

This topic will be tabled until the February meeting.

c. Consideration of Massage License Renewal/Reinstatement

i. Eva Morris (MAS. 1258)

Ms. Eva Morris was present and accompanied by her spa manager, Ms. Holly Koon. Ms. Morris was seeking reinstatement of her provisional license that lapsed on June 30, 2016. A letter from a senator was submitted and Ms. Koon also spoke on her behalf by stating that Ms. Morris was well loved and it was an oversight for not renewing the license. Ms. Morris has been a Massage Therapist for over 18 years and has taken her class and other requirements needed. On April 22nd, a payment was sent to the office at the Department of Labor, Licensing and Regulation for the renewal of her license, but there was no renewal application with the payment (check). The check was sent back on April 29th with a letter stating that the renewal could be done online or a hard copy could be used, as payment alone does not meet the requirements. The letter also stated that this was all due by June 30, 2016. Another payment and reinstatement application was sent back on August 25th, but because it was a provisional license, she would have to take the examination again. The payment and application was not accepted. The oversight was due to personal issues.

A motion was made by Mr. Ruggiero to go into executive session for legal advice and to include Ms. Richardson in the session. The motion was seconded by Ms. Van Nostran and it carried.

Mr. Ruggiero made a motion to come out of executive session and it was seconded by Ms. Kelley. The motion carried.

Ms. Van Nostran made a motion to accept the testimony and mitigation given by Ms. Eva Morris and recommended the renewal of her provisional license. The motion was seconded by Ms. Kelley and it carried.

A motion was made by Mr. Ruggiero for a 10 minute comfort break. The motion was seconded by Ms. Van Nostran and it carried.

Ms. Kelley made a motion to resume the meeting and it was seconded by Ms. Van Nostran. The motion carried.

d. Continuing Education Audits

The Panel came up with parameters for the three (3) groups given. The groups consisted of the following:

- 1.No CE Submitted
- 2.CE Completed After Deadline
- 3.Not Enough CE

With the groups given, each group has violated the following code of laws, S.C. Code of Laws Title 40 Chapter 30: Massage/bodywork Practice Act:

- SECTION 40-30-180. Renewal of license: (A)(2) complete continuing education requirements prescribed by the department in accordance with Section 40-30-190 and submit evidence of compliance; however, a massage/body work therapist who has proof of a "Certificate in Massage" issued prior to January 1, 1974, is exempt from continuing education requirements. (S.C. Code of Laws Title 40 Chapter 30: Massage/bodywork Practice Act)
- SECTION 40-30-230. Misconduct: (1) used a false, fraudulent, or forged statement or document or committed a fraudulent, deceitful, or dishonest act in applying for licensure pursuant to this chapter. (S.C. Code of Laws Title 40 Chapter 30: Massage/bodywork Practice Act)

The penalties include a private reprimand, the requirements for continuing education would still be needed within 60 days for the renewal period of 2014-2016, and a fine of \$50 per violation will be given as a result of the violations above. The CE courses taken will not count towards the next renewal period. This will be stated in a Consent Agreement. If the licensee chooses not to sign the agreement, it will go through the disciplinary process. These same parameters may be used for the next renewal as well.

A motion was made by Mr. Ruggiero to establish a Consent Agreement for those who failed to complete their CE requirements in the proper amount of time and for providing a fraudulent statements with the penalties mentioned above. The motion was seconded by Ms. Van Nostran and it carried.

e. Board Member Elections

Ms. Kelley made a motion to nominate Ms. Janet Shaw as the Board Chair for 2017. The motion was seconded by Mr. Ruggiero and it carried.

Mr. Ruggiero made a motion to nominate Ms. Denise Van Nostran as the Vice Chair for 2017. The motion was seconded by Ms. Kelley and it carried.

10. Public Comments

None.

11. Adjournment

Mr. Ruggiero made a motion to adjourn the meeting and it was seconded by Ms. Van Nostran. The motion carried. The meeting adjourned at approximately 2:30 p.m.

The next meeting of the SC Massage/Bodywork Therapy Panel is scheduled for February 10, 2017.